IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Mohammed Arif. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 561/2001

and

Javed Ansari. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 562/2001.

...

Date of Order: August 28, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Despite repeated calls, no one appears for the petitioners.

By the instant criminal miscellaneous petitions under Section 482 Cr.P.C., the petitioners have assailed the orders dated 4-9-2001 passed by the Additional Sessions Judge No. 2, Jodhpur (for short, "the Revisional Court" hereinafter) in Criminal Revisions No. 44/2001 and 45/2001 respectively, whereby the Revisional Court, while allowing the revision petitions partly, against the orders dated 14-8-2001 passed by the Chief Judicial Magistrate, Jodhpur in Criminal Miscellaneous Cases No. 44/2001

and 45/2001 respectively, arising out of respective FIRs No. 119/2001 and 120/2001 of Police Station, Soorsagar, Jodhpur, directed the auction of Amonium Nitrate, which was recovered by the police in the aforesaid first information reports for the offence under Section 5 of the Explosive Substance Act, 1908.

I have heard learned Public Prosecutor for the State and carefully gone through the memo of criminal miscellaneous petitions as also the orders passed by the Revisional Court and the trial Court.

In the said FIR cases, the Station House Officer, Police Station, Soorsagar, Jodhpur recovered twenty-two bags of Amonium Nitrate, which were alleged to have been used for manufacturing the explosive substance and also recovered certain detonators and other explosive substances.

Having heard the learned Public Prosecutor and after going through the orders impugned, in my view, if the Amonium Nitrate recovered from the present petitioners for using in manufacturing explosive substance is put to auction, no loss is going to occur either to the State or to the petitioners because ultimately if the petitioners succeeds, the auction proceeding is always subject to disposal at the time of final decision in the case. In the circumstances, it cannot be said that the impugned order passed by the Revisional Court would result in serious miscarriage of justice.

Consequently, both the criminal revision petitions are dismissed.

(H.R. PANWAR), J.

mcs